

DEVIN DERHAM-BURK #104353
CHAPTER 13 STANDING TRUSTEE
P O BOX 50013
SAN JOSE, CA 95150-0013

Telephone: (408) 354-1345
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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Chapter 13

In Re:

RUSSELL D HANES

Debtor

) Case No. 16-51827 HLB
)
) **NOTICE OF DEFAULT IN**
) **CHAPTER 13 PLAN PAYMENTS**
) **AND DEMAND FOR CURE WITH**
) **CERTIFICATE OF SERVICE**

NOTICE TO THE DEBTOR: YOU ARE BEHIND ON YOUR CHAPTER 13 PLAN PAYMENTS AND YOUR CASE WILL BE DISMISSED UNLESS YOU CATCH UP ON YOUR PAYMENTS. YOU MUST TAKE ACTION WITHIN 21 DAYS OF THE DATE OF THIS NOTICE.

YOU ARE HEREBY NOTIFIED that the Chapter 13 Trustee's records show that you have not made all the payments required by your confirmed Chapter 13 Plan.

1. YOU ARE IN DEFAULT UNDER YOUR CHAPTER 13 PLAN. As of Sep 30, 2019 your payments to the Chapter 13 Trustee should total: \$22,920.00. According to the Trustee's records, you have only paid \$21,720.00 resulting in a \$1,200.00 default through Sep 30, 2019. (The default amount does not include any payments which have been suspended.)

1 2. In order to continue to receive protection of the U.S. Bankruptcy Court you must complete
2 one of the following within 21 days:

3 a. Bring the case current by paying in certified funds to the Trustee the amount of \$1,200.00;
4 (Mail payments to the lock box address: PO Box 50009, San Jose, CA 95150-0009)

5 OR

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7 b. Meet and confer, by telephone, with the Trustee's representative AND enter into an
8 agreement to cure the default in a manner which is acceptable to the Trustee; OR

9 c. File and serve a motion to modify plan which proposes terms under which you will not be
10 in default and which will provide for plan completion within 60 months of the original time
11 that the first payment under the original confirmed plan was due. If you pursue this option,
12 you must also promptly obtain an order granting the motion to modify.

13 3. **IF YOU FAIL TO ACT, YOUR CASE WILL BE DISMISSED WITHOUT ANY**
14 **FURTHER NOTICE OR HEARING.**

15 **PLEASE CONTACT YOUR ATTORNEY IMMEDIATELY. YOUR ATTORNEY MAY**
16 **BE ABLE TO ASSIST YOU.**

17
18 Dated: September 17, 2019

/s/ DEVIN DERHAM-BURK

DEVIN DERHAM-BURK

Chapter 13 Standing Trustee

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2 **CERTIFICATE OF SERVICE BY MAIL**

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4 I hereby declare that I am over the age of 18 years, not a party to the within cause; my business
5 address is 983 University Ave., Bldg. C-100, Los Gatos, CA 95032. I served the within Notice
6 of Default in Chapter 13 Plan Payments and Demand for Cure by placing same in an envelope in
7 the U.S. Mail at Los Gatos, California on September 17, 2019. Said envelopes were addressed
8 as follows:

9
10 RUSSELL D HANES
3073 HELENA WAY
MARINA, CA 93933

11 In addition to any paper copies served by U.S. Mail, registered ECF participants, including parties
12 who have requested Special Notice in this case, will receive an electronic copy of the foregoing
13 document when it has been filed with the Court.
14
15

16 Dated: September 17, 2019

/s/ Esmeralda Mejia

Office of DEVIN DERHAM-BURK
Chapter 13 Standing Trustee
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